

INTRODUCTION

The regular session of the ninth legislature adjourned in January, 1862, to be reconvened in special session one year later by Governor Lubbock. During 1862 the Confederacy reached its high watermark. Stonewall Jackson's brilliant Valley campaign was followed by the resounding victories of General Lee at the Seven Days' and Second Manassas. Lee's invasion of the North in September, however, resulted in the drawn battle of Sharpsburg. After this repulse and Lincoln's Emancipation Proclamation, the hoped for recognition of the Confederacy by the European powers never came. While Texas had expelled all Federal soldiers from her soil after the recapture of Galveston on New Year's Day, 1863, nevertheless, the people had by then learned the meaning of defeat. The border states were overrun, the Mississippi River had been secured by the Federals except for Port Hudson and Vicksburg, and the Confederacy was cut in two. Remnants of the Sibley expedition to New Mexico had trudged home to mingle with the wounded from Pea Ridge and Corinth. The appalling casualties at Shiloh and Sharpsburg had shocked the South as they did the North. By the end of 1862 the people of Texas were saying what they would not admit in 1861—that the war would be a long and costly one. Already there were signs of dissatisfaction among certain elements of the population, though the vast majority were cheerfully bending their energies to the task of providing food, clothing, and the materials of war to sustain their regiments. It is in this setting that the first called session of the ninth legislature reassembled in February, 1863.

The membership of the legislature had changed considerably during the war because of the demands of military service. In the senate, eleven of the members had resigned, one to become attorney general (Shelley) and ten to accept commissions in the army. Of these, one had been killed while serving in the frontier regiment (Obenchain), another was soon to be elected to the Confederate Congress while on duty in the field (Branch), and a third was to reach the rank of major general before the end of the war (S. B. Maxey). Two (Burnett and A. F. Craw-

ford) became the colonel and lieutenant-colonel of the same regiment, an example of cooperation rarely found among senators.

The extra session of the ninth legislature had been called by Governor Lubbock after agitation by the newspapers throughout the state for legislation to encourage the enlistment of troops and for retaliatory laws to meet the feared consequences of the Emancipation Proclamation freeing the slaves.

As reflected by the Senate Journal, most of the bills considered at this called session were those affecting the soldier and his family. Laws suspending the statutes of limitation in civil actions and regulating foreclosure sales were enacted. Appropriations were made for sick and wounded soldiers, for additional pay to the state troops, and for the support of the needy families of soldiers. Laws were passed authorizing counties to provide assistance to soldiers' dependents and to regulate the distribution to them of cloth manufactured in the state penitentiary. Various mutual aid associations to sell merchandise to families of soldiers at cost were incorporated by special acts. Measures were enacted to provide for the defense of the frontier.

The proclamations of Lincoln had declared all slaves within the Confederate lines free and advised them to assert and secure their freedom. The Legislature passed two statutes to counteract these moves by the North. One specifically defined the offense of inciting insurrection and prescribed severe punishment therefor. The other provided for the manner of dealing with persons of color invading or coming into the state with the armed forces of the enemy.

In addition to the proceedings of the senate as contained in the journal, the editor has included the messages of the Governor to the Legislature, of the Secretary of State, and the report of the Texas Military Board. These are interesting contemporary summaries of the military, political, and financial situation of the state. Now that it is in print, this historical material not only will be preserved but will be readily accessible to the researcher.

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